

## BENDIT WEINSTOCK

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW

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By: Alan Roth, Esq.

Attorneys for Plaintiff

Our File #40660-AR

### UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

|                            |   |                               |
|----------------------------|---|-------------------------------|
|                            | : |                               |
| MICHELE SANDER,            | : |                               |
|                            | : |                               |
| Plaintiff,                 | : |                               |
|                            | : |                               |
| -vs-                       | : |                               |
|                            | : |                               |
| HR TRUST SERVICES, LLC, HR | : |                               |
| TRUST LLP, HRT SERVICES,   | : | CIVIL NO. 08-cv-1383 (PGS-ES) |
| II, LLP, HRT INSURANCE     | : |                               |
| AGENCY, LLP, OUTSOURCING   | : |                               |
| WORKS, LLP, 1099 GROUP     | : |                               |
| BENEFITS, LLP, IBO MANAGED | : |                               |
| SERVICES, INC., ACEVEDO    | : |                               |
| SPAIN HOLDING, INC.,       | : |                               |
| ACEVEDO SPAIN, LP, RONALD  | : |                               |
| SPAIN a/k/a RON SPAIN,     | : |                               |
| JANICE ACEVEDO, SUPERIEN   | : |                               |
| HEALTH NETWORKS, INTERPLAN | : |                               |
| HEALTH GROUP, PHCS PRIVATE | : | Return Date: October 19, 2009 |
| HEALTH SYSTEMS, MULTIPLAN, | : |                               |
| INC., and WEB-TPA, INC.,   | : |                               |
|                            | : |                               |
| Defendants.                | : |                               |
|                            | : |                               |

### NOTICE OF MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT

TO:

Michael Bernstein, Esq.  
Sedgwick Detert Moran & Arnold, LLP  
125 Broad Street, 39<sup>th</sup> Floor  
New York, New York 10004-2400

Richard A. Ulsamer, Esq.  
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& Barry, LLP  
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Newark, New Jersey 07102

Julio C. Gomez, Esq.  
The Sturcke Building  
111 Quimby Street, Suite 8  
Westfield, New Jersey 07090

AND

R. Michael Smith  
Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC  
233 E. Redwood Street  
Baltimore, Maryland 21202

**PLEASE TAKE NOTICE** that on October 19, 2009 at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, attorneys for Michele Sander ("Sander"), will move before the Honorable Esther Salas, U.S.M.J., at the United States District Court, District of New Jersey, 50 Walnut Street, Newark, New Jersey, for an Order Granting Leave to File a Second Amended Complaint, pursuant to Fed. R. Civ. P. 15(a).

**PLEASE TAKE FURTHER NOTICE** that Sander will rely on the Certification of Counsel filed herewith, and that in accordance with D.N.J. L.Civ.R. 7.1(d)(4), a brief is not required, because the Certification of Counsel sufficiently explains the reasons for Sander's Motion.

PLEASE TAKE FURTHER NOTICE that pursuant to D.N.J. L.Civ.R. 78.1(b), oral argument is not requested unless the Motion is opposed.

PLEASE TAKE FURTHER NOTICE that pursuant to D.N.J. L. Civ. R. 7.1(b) (1), all answering papers shall be filed with the Clerk of the United States District Court, M.L. King, Jr. Federal Bldg. & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102, and served upon Bendit Weinstock, P.A., attorneys for Sander.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted, pursuant to D.N.J. L. Civ. R. 7.1(e).

BENDIT WEINSTOCK, P.A.  
Attorneys for Michele Sander

By: /s/Alan Roth  
ALAN ROTH

DATED: September 23, 2009